

**North Smithfield Zoning Board**  
**Meeting Minutes of June 6, 2006**

**Present: Emilie Joyal, Chair, William Halliwell, Cornelia Laprade, William Juhr, Vincent Marcantonio, Stephen Kearns**

**Absent: Linda Vario**

**Call to Order: The Chair called the meeting to order at 7:05 pm in the Kendall Dean School.**

**Chair reviewed procedures of the board for all present.**

**Continued application of Leonard A & Constance Pezza d/b/a Granite Realty, under the provisions of Section: 8.4 for an appeal of a cease and desist order by the Building and Zoning Official. Locus is off Pine Hill Rd., Plat 7 Lot 38 and Plat 10 Lot 1.**

**Mr. Nadeau, Assistant Solicitor for the Zoning Board, stated that Mr. Hadden, North Smithfield Town Solicitor and the Attorney for the Pezza's have jointly asked that this application be continued to the 1st meeting of the Zoning Board in November. Mr. Halliwell asked Mr. Nadeau if there is a time limit on applications being continued and Mr. Nadeau stated that legally there is not.**

**Mr. Halliwell made a motion to continue the Pezza application to**

**Tuesday, November 14, 2006. Connie Laprade seconded that motion...all in favor.**

**Mr. Nadeau suggested that in October it might be best to re-advertise this application and send out notices to the abutters seeing this has been a lengthy process.**

**Continued application of Donald & Maureen Andreozzi requesting a dimensional variance from Section 6.2 “street access to buildings” Lots 48 and 50 Plat 19 do not have street frontage on an approved street. Locus is off Douglas Pike.**

**Mr. Benoit, North Smithfield Building Inspector, stated that this applicant is requesting a continuation until October.**

**Mr. Halliwell made a motion to continue this application until Tuesday, November 14, 2006, Mr. Kearns seconded that motion...all in favor.**

**Continued application of Edward Whipple requesting a Use Variance from the Zoning Board of Review for the construction of a single family dwelling to be located on Plat 5 Lots 130 & 249. This use is not permitted in the BN Zoning District as stated in Section 5.4.2 Sub Section (1) of our current zoning ordinance.**

**Ms. Joyal read a letter from Mr. Nadeau to Mr. Hackman, the attorney**

for Mr. Whipple. Mr. Whipple who is still under oath stated that this board has approved this type of application before. Mr. Whipple stated he sent a copy of a similar case to his attorney. Mr. Whipple asked for a continuation until he can speak with this attorney.

Mr. Halliwell made a motion to continue this application until Tuesday, September 5, 2006. Connie Laprade seconded this motion...all in favor.

Application of Tom Marsella, 146 Investment Partners LLC is requesting a "Special Use Permit" for the following: Day Care Center, Section 5.4.4.2 Sub Section (A), Indoor Commercial Recreation, Section 5.4.6. Sub Section (7) and Indoor Storage Facility, Section 5.4.8 Sub Section (9). Locus is 408 Eddie Dowling Highway Plat 13 Lot 22 & 150.

Mr. Tom Marsella was sworn in by the stenographer.

The following was entered as exhibits:

P1 – Application for a certificate of Zoning Compliance

P2- Application for Hearing before Zoning Board of Review

P3 – 200' Radius Map, Sheet 2B of 5

P4 – 200' Radius Map, Sheet 2C of 6

P5 – Letter from the RI Department of Health to Mr. Marsella

P6 – Memo from Michael Phillips, Town Planner to the Zoning Board

## **of Review**

**P7 – Letter from the office of Fire Prevention, Town of North Smithfield, to Mr. Marsella**

**Ms. Joyal asked Mr. Marsella if the building use was changing and Mr. Marsella stated it was not. It was used as a commercial site and will still be used as a commercial site. Mr. Marcantonio questioned if the well on the property was not sufficient because Mr. Marsella is putting in another well. Mr. Marsella stated that DCYF requires a non-transient water supply system for a pre-school. Ms. Joyal asked what the number of people would be for the pre-school, Mr. Marsella stated it would be a maximum of 74 or 76 people. Mr. Marsella stated that all State requirements for DCYF and the Department of Education must be met before licensing.**

**Mr. Halliwell asked if the present ingress and egress would remain the same and Mr. Marsella stated that it would remain the same. Mr. Marsella stated the hours of operation for this facility will be from 7 am to 11 pm, 7 days a week.**

**Mr. Marcantonio stated that there seemed to be a discrepancy in the numbers for the non-transient water supply system. Mr. Marsella said it was basically designed for 100 people, but doing some quick math it seems that with Mr. Marsella's numbers and the ISDS numbers it comes up to 178 people. Mr. Marsella might want to check his numbers.**

**Mr. Juhr made a motion to correct all application materials to read pre-school, not a day care. Mr. Halliwell seconded that motion...all in favor.**

**Mr. Juhr asked about the sprinkler system in this facility and Mr. Marsella referred to Exhibit P7, a letter from the Deputy Fire Chief in North Smithfield that this facility meets RI Fire Code Standards.**

**Mr. Halliwell asked Mr. Benoit, Zoning Official, if Mr. Marsella meets the parking requirements for this facility. Mr. Benoit was sworn in by the stenographer, and stated Mr. Marsella has more than ample parking.**

**Mr. Halliwell stated in the petition of Tom Marsella, 146 Investment Partners LLC requesting a Special Use Permit for the following: Day Care Center, Section 5.4.4.2. sub section (A), Indoor Commercial Recreation, Section 5.4.6. sub section (7) and Indoor Storage Facility, Section 5.4.8. sub section (9), locus is 408 Eddie Dowling Highway Plat 13 Lot 22 & 150, I find the following Findings of Fact:**

- 1. Mr. Marsella testified this building was used for commercial use and will continue to be used as a commercial site.**
- 2. Exhibit P5 requires a new well be built to meet the requirements of the pre-school.**
- 3. Mr. Marsella testified he is keeping the ingress & egress as is.**

- 4. Mr. Marsella testified the hours of operation will be 7 am to 11 pm 7 days a week.**
- 5. Exhibit P6 is a letter from the Planning Board approving the use of this property.**
- 6. Mr. Benoit stated there is ample parking for this facility.**
- 7. Exhibit P7 is a letter from the Deputy Chief of North Smithfield stating this facility meets the RI Fire Code Standards.**

**I move to grant this application with the following 2 stipulations:**

- 1. The Developer is to install an oil and water separator in each catch basin to be located at the south end of the building.**
- 2. The outside play area for the pre-school is to be moved back to the edge of the building and fenced.**

**Mr. Kearns seconded this motion, the roll call vote was as follows, AYE: Mrs. Laprade, Mr. Halliwell, Mr. Kearns, Ms. Joyal, Mr. Marcantonio.**

**Mr. Halliwell made a motion to adjourn the meeting, seconded by Mrs. Laprade, roll call vote was as follows, AYE: Mr. Halliwell, Mrs. Laprade, Ms. Joyal, Mr. Kearns, Mr. Marcantonio.**

**Meeting adjourned at 8:20 PM**

**Respectfully submitted,**

**Kris Fanning**  
**Clerk**